

REMARKS

Claims 1-5, 9-20, 54-60, 74, 79-81, 86, and 91-92 are pending. Applicants thank the Examiner for the acknowledgement that claims 74 and 79-81 are allowed. Applicants have herein amended claim 86 to correct an inadvertent typographical error and to conform the claim to Applicants' Response to Restriction Requirement, wherein Applicants elected the *C. biennis* optimization having the cDNA sequence of SEQ ID NO:32 and the amino acid sequence of **SEQ ID NO:41**. No new matter has been added.

In light of the above, Applicants respectfully request reconsideration and allowance of the pending claims.

Election/Restrictions

The Examiner withdrew claims 86 and 91-93 from consideration as being drawn to a non-elected invention. Applicants respectfully request reconsideration. Due to an inadvertent typographical error, claim 86 recited "SEQ ID NO:42" in the Response to Office Action dated June 4, 2007, when the claim should recite "SEQ ID NO:41," as demonstrated by the Response to Restriction Requirement described previously. Applicants respectfully assert that the claims, as amended, do therefore correspond to the elected invention and are patentable for the reasons of record.

Double Patenting

The Examiner stated that claims 55-60 of the present application conflicted with claims 55-60 of co-pending Application No. 10/912,534. In a Response dated October 9, 2007 in the co-pending 10/912,534 case, Applicants have amended claims 55-60 to correct an inadvertent typographical error in the sequence identifier of those claims, thus eliminating the conflict between the instant claims and those in the co-pending application. The Examiner is invited to review the Response in the co-pending case. In light of the above, Applicants assert that the claims are not in conflict and request withdrawal of the rejections.

The Examiner stated that claims 1-5, 9-20, and 54-60 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 9-20, and 54-60 of copending Application No. 10/912,534. Applicants have amended the claims (i.e., claims 55 and 118) of the co-pending application in a Response dated October 9, 2007 to correct inadvertent typographical errors with respect to sequence identifiers. The Examiner is invited to review the Response in the co-pending case. In light of the above, Applicants respectfully submit that the claims as amended are not obvious variants of one another, and request withdrawal of the rejections.

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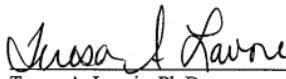
CONCLUSION

Applicants respectfully assert that the pending claims are in condition for allowance, which action is hereby requested. The Examiner is invited to telephone the under-signed attorney if such would expedite prosecution.

No fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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